



DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES

Policy No.: DOC 1.3.19	Subject: DRUG-FREE WORKPLACE / SUBSTANCE ABUSE AND CHEMICAL DEPENDENCY
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3, plus attachment
Section 3: Personnel	Revision Date: Jan. 5, 1998 Feb. 2, 2000
Signature: /s/ Rick Day, Director	Effective Date: July 1, 1996

I. POLICY:

It is the policy of the Department of Corrections to promote a drug and alcohol free workplace, and to ensure that appropriate penalties are administered to employees who violate the provisions of this policy.

II. AUTHORITY:

P.L. 100-690, Title V, Subtitle D
53-1-203, MCA. Powers and Duties of Department of Corrections
3-0310, MOM, Sick Leave

III. DEFINITIONS:

Dangerous Drug has the meaning defined in 50-32-101(6), M.C.A.

Last-Chance Agreement means a written agreement placing an employee on a corrective action plan, and notifying the employee that s/he will be terminated from employment if the plan is not completed or the behavior prohibited in the agreement continues.

Prescription medication means a drug or medicine prescribed by a certified medical practitioner, whether the medication was prescribed to the person having possession of the medication, or to another person.

IV. PROCEDURES:

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- A. Use of dangerous drugs or alcohol, or the abuse of prescription or over-the-counter medication while on duty will not be tolerated, and will result in disciplinary action. An employee who reports to work under the influence of dangerous drugs, alcohol or the abuse of prescription or over-the-counter medication will be subject to disciplinary action up to and including termination.
- B. Any employee convicted for the use, possession, manufacture, distribution, or sale of dangerous drugs will be subject for disciplinary action up to and including termination.

Should violation of this policy be grounds for termination the employee may be given the opportunity to enter into a Last Chance Agreement, which allows continued employment. If the employee fully complies with all the provisions set forth in the agreement.

- C. Employees who enter treatment for substance abuse, either voluntarily or as a result of a Last Chance Agreement, will be allowed to use accrued paid leave and compensatory time. All paid leave will be simultaneously charged to the employee's Family and Medical Leave Act eligibility (if the employee is eligible for such leave).
- D. A supervisor who suspects an employee is impaired by alcohol, prescription medication, over the counter medication, or dangerous drugs must implement disciplinary proceedings pursuant to state and departmental policies. If the supervisor finds that drug use or abuse has occurred the supervisor must proceed with disciplinary measure available under state law or policy which includes:
 - 1. Requesting that the employee voluntarily submit to a urine or breath test, or
 - 2. Suspending the employee with pay pending completion of an investigation.
- E. Any employee who believes that s/he is impaired because of the use of an over-the-counter medication or drug prescribed to the employee must inform the employee's immediate supervisor. If the employee voluntarily admits to impairment due to prescription or over-the-counter medication, the supervisor may send the employee home pursuant to state sick leave policy, M.O.M. 3-1310
- F. No employee will be reprimanded for the appropriate use of medication prescribed to the employee. Chronic medical conditions requiring the ongoing use by an employee of

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medication which may interfere with performance of the essential functions will be reviewed on a case-by-case basis. An employee who believes s/he needs an accommodation for a disability must inform the immediate supervisor. It is then the responsibility of the supervisor to review the request with the Human Resource Bureau.

- G. It is the employee's responsibility to notify his/her supervisor if the employee is taking any medication which may adversely affect the employee's ability to perform the essential functions of his/her job. The following is the procedure for notification to the supervisor:
1. If the medication is obtained through physician prescription to the employee, the employee must ascertain from the physician whether there are side effects which could interfere with performance of the employee's assigned duties. It is the employee's duty to consult with the physician and obtain a statement whether or not they are fit for performance of essential job duties while taking the medication listing the side effects and symptoms. The employee must provide the physicians statement to the immediate supervisor to enable supervisory personnel to make a determination of fitness for duty.
 2. After receipt of the necessary information from the employee's physician the supervisor will make one of the following decisions:
 - a. allow the individual to work, or
 - b. advise the employee s/he will not be allowed to work until the medication is no longer being taken

Failure of an employee to inform his/her supervisor of medication use constitutes the employee's waiver of medication usage as a mitigating or defense factor in a disciplinary proceeding.

- H. The attached statement will be distributed to all new employees at the time of hire.

V. CLOSING:

Questions concerning this policy shall be addressed to the employee's immediate supervisor.

MEMORANDUM

TO: All Department of Corrections Employees

FROM: Rick Day
Director, Department of Corrections

SUBJECT: Drug-Free Workplace Policy Notification

DATE: (date of hire)

The Drug-Free Workplace Act of 1988 requires that Departments receiving grants from any federal agency certify that they will maintain a drug-free workplace.

I have, therefore, issued a Drug-Free Workplace policy, DOC 1.3.19, Drug-Free Workplace/Substance Abuse and Chemical Dependency, which covers all facility/program employees.

The Department of Corrections of the State of Montana is committed to a drug-free workplace. The unlawful manufacture, distribution, possession, sale or use of a dangerous drug, or the abuse of prescription or over-the-counter medication in the workplace by any employee of this Department is prohibited.

An employee who violates this prohibition is subject to disciplinary action, up to and including discharge, as provided in DOC 1.3.1, Guidelines for Employee Performance and Conduct, and DOC 1.3.2, Disciplinary Action.

Employees will be made aware of any drug counseling or rehabilitation programs offered by this agency or the Department of Administration. Drug counseling and rehabilitation may be covered by the Employee Group Benefits Plan. The facility/program personnel officer should be contacted for further information on specific coverage.